

GLENDON UNIT OF THE MISSOURI RIVER BASIN PROJECT
CONTRACT EXTENSION ACT OF 2005

APRIL 25, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4080]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4080) to extend the contract for the Glendon Unit of the Missouri River Basin Project in the State of Wyoming, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4080 is to extend the contract for the Glendon Unit of the Missouri River Basin Project in the State of Wyoming.

BACKGROUND AND NEED FOR LEGISLATION

The multi-purpose Glendon Unit is part of the Bureau of Reclamation's Pick-Sloan Missouri River Basin Program and consists of dams, reservoirs, and powerplants. Located on the North Platte River in eastern Wyoming, Glendon provides irrigation water, power generation, flood control, fish and wildlife enhancement, and recreational benefits. Glendon is one of seven Reclamation dams on the North Platte River that is being evaluated by the U.S. Fish and Wildlife Service (FWS) for critical habitat designation and water flows related to four threatened and endangered species: the whooping crane, piping plover, least tern, and pallid sturgeon. While the FWS evaluates Glendon and the other dams, water service contracts and repayment contracts between Reclamation and Glendon water contractors are pending renewal. Since these contract renewals may change water flows impacting the four endangered

species, the Glendo renewals have not taken place because of these evaluations.

Due to this ongoing uncertainty, Glendo water contractors sought legislative contract extensions in the 108th Congress. This effort culminated in Public Law 108–137, which extended the current nine Glendo contracts until December 31, 2005. Although progress has been made over the last two years between the States of Colorado, Wyoming and Nebraska and the Department of the Interior on Platte River endangered species protections, a final species protection plan has yet to be completed. According to federal agency officials, a plan is expected to be completed sometime in 2006; however completion will not occur before the start of the irrigation water year beginning in spring 2006. For this reason, a two-year legislative contract extension is once again being sought. This contract extension would allow for continued water service during the ongoing environmental regulatory process while providing sufficient time to negotiate new water service and repayment contracts once water flows and other actions related to specific endangered species protections are determined.

COMMITTEE ACTION

H.R. 4080 was introduced on October 19, 2005, by Congresswoman Barbara Cubin (R-WY). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On February 8, 2006, the Subcommittee held a hearing on the bill. On March 29, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the short title of the bill as the “Glendo Unit of the Missouri River Basin Project Contract Extension Act of 2005.”

Section 2. Glendo Unit of the Missouri River Basin Contract Extension

This section amends section 2 of the Irrigation Project Contract Extension Act of 1998 (Public Law 105–293) by extending the nine water service and repayment contracts between the Secretary of the Interior and the Glendo Unit water contractors until December 31, 2007.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4080—Glendo Unit of the Missouri River Basin Project Contract Extension Act of 2005

H.R. 4080 would extend—for up to two years—contracts between the Bureau of Reclamation and purchasers of irrigation water in Wyoming and Nebraska that receive water from the Glendo Reservoir. The existing contracts expired on December 31, 2005, and the bureau negotiated a temporary contract through April 30, 2006. Any costs associated with the temporary contracts are paid by the local water contractors. Under current law, the Secretary of the Interior can renew these contracts annually, but they require the Secretary to prepare an environmental impact statement and carry out mitigation efforts. Under H.R. 4080, the bureau would avoid the costs associated with annual renewals.

CBO estimates that enacting H.R. 4080 would have no significant impact on the federal budget. Based on information provided by the Bureau of Reclamation, CBO estimates that enacting H.R. 4080 would allow the bureau to avoid costs of less than \$500,000 in 2006 and smaller amounts in future years. Those costs are subject to the availability of appropriated funds, but the agency is reimbursed by individuals contracting for water, and the reimbursements are deposited in the Treasury as offsetting receipts (a form of direct spending). The potential loss of offsetting receipts would match the potential reduction in spending subject to appropriation, and we estimate that both would be insignificant.

H.R. 4080 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this

bill would benefit the water purchasers (generally government entities) affected by this bill because it would allow them to avoid the costs of annual renewals.

The CBO staff contacts are Julie Middleton (for federal costs), and Lisa Ramirez-Branum (for the impact on state and local governments). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

SEC. 2. EXTENSION OF CONTRACTS.

(a) In **GENERAL**.—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of the Missouri River Basin Project identified in subsection (c) until December 31, **[2005]** *2007*.

(b) **EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT**.—If the cooperative agreement entitled “Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska”, entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go beyond December 31, **[2005]** *2007*. If the cooperative agreement terminates before December 31, **[2005]** *2007*, the contracts identified in subsection (c) shall be subject to renewal on the date that the cooperative agreement terminates.

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